IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.8.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.28715 of 2007
&
M.P.No.1 of 2007

Aravindh Blue Metals,
Rep. by its Partner,
Mr.S.Balakrishnan. .. Petitioner

vs.

1. The District Collector,
   Coimbatore District,
   Coimbatore.

2. Assistant Director of Geology and Mining,
   Office of the District Collector,
   Coimbatore.

3. The District Collector,
   Erode District,
   Erode.

4. Assistant Director of Geology and Mining,
   Office of the District Collector,
   Erode.

5. The District Collector,
   Thanjavur District,
   Thanjavur.

6. Assistant Director of Geology and Mining,
   Office of the District Collector,
   Thanjavur.

7. The District Collector,
   Trichy District,
   Trichy.

8. Assistant Director of Geology and Mining,
   Office of the District Collector,
   Trichy.

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9. The District Collector,
   Nagapattinam District,
   Nagapattinam.

10. Assistant Director of Geology and Mining,
    Office of the District Collector,
    Nagapattinam.

11. The District Collector,
    Karur District,
    Karur.

12. Assistant Director of Geology and Mining,
    Office of the District Collector,
    Karur.

13. The District Collector,
    Thiruvarur District,
    Thiruvarur.

14. Assistant Director of Geology and Mining,
    Office of the District Collector,
    Thiruvarur.

15. The District Collector,
    Ramnad District,
    Ramnad.

16. Assistant Director of Geology and Mining,
    Office of the District Collector,
    Ramnad.

17. The District Collector,
    Pondicherry District,
    Pondicherry.

18. Assistant Director Geology and Mining,
    Office of the District Collector,
    Pondicherry.

19. The District Collector,
    Karaikkal District,
    Karaikkal.

20. Assistant Director Geology and Mining,
    Office of the District Collector,
    Karaikkal. .. Respondents

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This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Prohibition to prohibit the respondents from insisting the petitioner and the petitioner's customers to obtain transport permits to transport the processed mineral of all sizes from the crushing unit of the petitioner to the place of the purchasers of the said Jelly.

For petitioner : M/s. K.Ramakrishna Reddy
For respondents : Mr.A.Arumugam
Additional Government Pleader

O R D E R

Mr.A.Arumugam, the learned Additional Government Pleader, takes notice for the respondents.

2. With the consent of the learned counsels appearing on either side, the writ petition is taken up for final disposal.

3. The learned counsel for the petitioner had submitted that, in similar circumstances, this Court had passed various orders in which the issue raised in the present writ petition is covered. It is submitted that this Court had passed an order, dated 20.6.2000, in W.P.No.18523 of 1998, wherein it has been held that the Government of Tamil Nadu in their letter No.515411/M2/B6-11, dated 26.5.88, Industries (M2) Department, has directed that the production of way permits need not be insisted upon for the transport of processed minerals. The copy of the letter had been communicated to all the District Collectors, Revenue Divisional Officers and Tahsildars for necessary information. In such circumstances, this Court had allowed the writ petition making it clear that the said order would not affect the claim of the Government with regard to the payment of any other fee payable under the rules. Following the said decision of this Court, dated 20.6.2000, several orders have been passed by this Court.

4. It has been further stated that, in W.P.No.18523 of 1998, it was held that the transportation of processed minerals, from crushing units to the purchaser's point, need not be necessarily carried with any permit and it is sufficient that if necessary valid bills were carried along with the vehicle. It has also been made clear that the said order would not affect the claim of the Government with regard to the payment of any other fee payable under the relevant rules.

5. Learned counsel appearing on behalf of the respondents has not refuted the claims made by the petitioner.

6. In such circumstances, the writ petition stands allowed in view of the earlier order passed by this Court in W.P.Nos.9605 of 2007,

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19429/2007, 18523/1998 and 14672 of 2007. No costs. Consequently, connected M.P. is closed.

sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

akv

To

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Office of the District Collector,
Karaikkal.

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+ 1 cc to Mr.K.Ramakrishnan Reddy Advocate SR.NO.54003
+ 1 cc to Govt.pleader SR.NO.54233

JSK(CO)
RD 20.9.07 Writ Petition No.28715 of 2007

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